

EXHIBIT G



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NOTICE OF ALLOWANCE AND FEE(S) DUE

107554 7590 01/19/2018
JUSTIN LESKO
 LAW OFFICES OF STEVEN G. LISA, LTD.
 C/O INTELLEVATE, LLC.
 900 Second Ave S. Suite 600
 MINNEAPOLIS, MN 55402

EXAMINER	
FULLER, RODNEY EVAN	
ART UNIT	PAPER NUMBER
2852	

DATE MAILED: 01/19/2018

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
15/188,736	06/21/2016	Jeffrey C. Konicek	TORPERE-F04-513	1033

TITLE OF INVENTION: PICTURES USING VOICE COMMANDS AND AUTOMATIC UPLOAD

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0	\$0	\$1000	04/19/2018

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

107554 7590 01/19/2018
JUSTIN LESKO
LAW OFFICES OF STEVEN G. LISA, LTD.
C/O INTELLEVATE, LLC.
900 Second Ave S. Suite 600
MINNEAPOLIS, MN 55402

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$1000	\$0	\$0	\$1000	04/19/2018

EXAMINER	ART UNIT	CLASS-SUBCLASS
FULLER, RODNEY EVAN	2852	396-056000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____

2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

Applicant certifying micro entity status. See 37 CFR 1.29
 Applicant asserting small entity status. See 37 CFR 1.27
 Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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JUSTIN LESKO LAW OFFICES OF STEVEN G. LISA, LTD. C/O INTELLEVATE, LLC. 900 Second Ave S. Suite 600 MINNEAPOLIS, MN 55402				FULLER, RODNEY EVAN		
		ART UNIT		PAPER NUMBER		
				2852		
DATE MAILED: 01/19/2018						

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 15/188,736	Applicant(s) KONICEK, JEFFREY C.	
	Examiner RODNEY FULLER	Art Unit 2852	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to applicant's amendment dated 12/11/2017.
 - A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
2. An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. The allowed claim(s) is/are 21-26 and 28-40. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) All b) Some *c) None of the:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
3. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
4. Interview Summary (PTO-413),
Paper No./Mail Date _____.
5. Examiner's Amendment/Comment
6. Examiner's Statement of Reasons for Allowance
7. Other AFCP2.0 (Form PTO-2323).

/RODNEY FULLER/
Primary Examiner, Art Unit 2852

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title : PICTURES USING VOICE COMMANDS AND AUTOMATIC UPLOAD
Serial. No. : 15/188,736 Confirmation No. : 1033
Applicant : Jeffrey C. Konicek TC/A.U. : 2852
Filed : June 21, 2016 Examiner : Rodney E. Fuller

Docket No. : Torpere-F04-513
Customer No. : 107554

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

AMENDMENT AFTER FINAL OFFICE ACTION

Dear Examiner:

This submission is responsive to the Office Action issued in the above-captioned application dated June 19, 2017. A request for a three month extension of time, together with the required fee, is provided herewith. Applicant also attaches herewith a Form SB-434 Certification and Request for Consideration Under the After Final Consideration Pilot Program 2.0.

Amendments to the Claims begin on page 2 below.

Applicant's Remarks begin on page 6 below.

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application.

1 – 20. (Canceled)

21. (Currently Amended) A camera system comprising:

(a) a camera that is operable to take and store pictures, and that includes: (i) a lens, (ii) an image sensor, (iii) at least one microphone, (iv) a voice recognizer, (v) a controller, (vi) a ~~cellular~~~~WIFI~~ interface, and (vii) a touch sensitive display;

(b) the controller including a control program having instructions to control and respond to the voice recognizer;

(c) the voice recognizer coupled to the at least one microphone and the controller, and configured to receive and process sounds into recognized words;

(d) the camera further configured to maintain and store a plurality of recognizable words having different plain meanings and commonly associated with taking a picture, the recognition of any of which will cause the camera to take a picture;

(e) wherein the voice recognizer is operable to receive a first and a second human sound spoken by the same person, and the voice recognizer is operable to recognize using speaker-independent voice-recognition:

(i) the first human sound as a first human spoken word from among the plurality, the recognized first human spoken word being assigned by the control program to be a command for the camera to take a picture, and

(ii) the second human sound as a second human spoken word from among the plurality, the recognized second human spoken word being different from the first human spoken word and also simultaneously assigned by the control program to be the same camera command to take a picture;

(f) the controller configured to:

(i) cause the camera to take a picture in response to the voice recognizer recognizing either the first or second human spoken word and to save the picture in a local memory in the camera;

~~(ii) receive, via the touch sensitive display, a user selection of an upload option that instructs the device to confine automatic picture upload to periods without potential cellular network access fees; and~~

~~(ii) automatically upload designated pictures previously selected from among a group of pictures saved in the local memory of the camera, the designated pictures uploaded via the cellular~~WIFI~~ interface and an internet connection from the camera system to a user-selected account associated with an email address at an internet picture hosting website as instructed by a user of the camera, but the automatic upload occurring only if predetermined conditions are met, the predetermined conditions including at least the controller receiving:~~

~~(1) an indication from the cellular interface that the upload is acceptable based on the selected upload option;~~

~~(2) an indication from the cellular~~WIFI~~ interface that the system can make an internet connection via the cellular~~WIFI~~ interface; and~~

~~(3) an indication from the local memory that a user has elected an option to designate at least one picture from the group of pictures saved in the local memory to be uploaded to the internet picture hosting website.~~

22. (Previously Presented) The camera system of claim 21 wherein the system further comprises a cell phone.

23. (Previously Presented) The camera system of claim 22 wherein the controller is configured to determine if the recognized word is for one of either a camera operation or a cell phone operation.

24. (Previously Presented) The camera system of claim 22 wherein the voice recognizer is configured to recognize at least one spoken word to control dialing of the cell phone.

25. (Previously Presented) The camera system of claim 22 wherein the voice recognizer is configured to recognize spoken words in association with text messaging over the cell phone.

26. (Previously Presented) The camera system of claim 21 wherein the controller is further configured to execute an internet browser program and display the internet picture hosting website on the touch sensitive display.

27. (Canceled).

28. (Previously Presented) The camera system of claim 21 wherein the plurality of recognizable words having different plain meanings and commonly associated with taking a picture are pre-assigned.

29. (Previously Presented) The camera system of claim 21 wherein the camera is configured to learn words from user input for the voice recognizer to recognize and for the controller to associate with specific commands.

30. (Previously Presented) The camera system of claim 21 wherein the camera includes an indicator that is activated if the voice recognizer is unable to recognize a command from a sound received at the microphone.

31. (Previously Presented) The camera system of claim 21 wherein one of the words is "snap."

32. (Previously Presented) The camera system of claim 21 wherein one of the words is "cheese."

33. (Previously Presented) The camera system of claim 21 wherein one of the words is "shoot."

34. (Previously Presented) The camera system of claim 21 wherein one of the words is "click."

35. (Previously Presented) The camera system of claim 21 wherein the voice recognizer is configured to receive and process a third human sound to be recognized as a third word that is different from the first and second words and is used by the control program to perform a second camera command.

36. (Previously Presented) The camera system of claim 35 wherein the controller is configured to delay the second camera command for an intentional period of time after the voice recognizer recognizes the third word.

37. (Previously Presented) The camera system of claim 21 further comprising a zoom lens coupled to the controller, wherein the controller is configured to accept user input from the touch sensitive display screen to determine the amount of zoom to be imparted to the zoom lens.

38. (Previously Presented) The camera system of claim 21 wherein the controller is configured to receive input regarding focus of the lens from the touch sensitive display.

39. (Previously Presented) The camera system of claim 21 wherein the controller is configured to cause pictures to be uploaded over the internet for storage at an internet picture hosting website and to be transmitted to another party.

40. (Previously Presented) The camera system of claim 21 wherein the controller is configured to enable the user to select specific pictures saved in the local memory to be uploaded to the internet picture hosting website.

REMARKS

Applicant is in receipt of the Examiner's June 19, 2017 Final Office Action ("FOA"). Claims 21-26 and 28-40 are currently pending.

Examiner Interview Summary

Counsel of record Justin Lesko, the inventor Jeff Konicek, and the Examiner Rodney Fuller conducted an interview on December 7, 2017. During the interview, Applicant presented this amendment and explained that the claims as amended are in condition for allowance.

The Examiner asked whether the amended claims are supported by the specification. Applicant pointed to at least Paragraph [0038] of the specification, which discusses "confin[ing] picture transmission to periods of low network usage or periods of cheaper network access." Applicant explained to the Examiner that this statement is applicable to cellular uploads as claimed, and the Examiner agreed.

The Examiner asked whether the current claims are patentable over Colby (Pub. No. 2003/0030731), which purportedly allows a user to "designate a time of day" for picture uploads. Applicant distinguished the present claims from a "timer." Specifically, Applicant used the hypothetical example of an egg timer vs. a device that determines when an egg is actually finished. In a timer scenario, cook time is set – and the device will stop cooking the egg at a designated time, regardless of whether the egg is "done." On the other hand, a device that actually determines whether an egg is "done" monitors the specific conditions of the egg and only stops cooking it when the conditions are right. Applicant's invention is comparable to the latter example and offers many explicit benefits over a simple timer. For example, a simple timer for picture upload (i.e., setting the upload for 8 PM) would still result in charges to a user's account if the user is "roaming" at the designated time that the upload begins. In short, a timer does not adequately prevent roaming or other network charges that can be incurred during photo uploads. Applicant also pointed out that the Colby reference fails to disclose or suggest the claims for many other reasons, and urged the Examiner to review the claims as a whole in determining their patentability.

The Examiner and Applicant agreed that Montulli and Rothschild are not direct to automatic uploads over a cellular network.

Finally, the Examiner agreed that the current rejection was overcome, but stated that he needed additional time to consider whether the claims are in condition for allowance. Applicant agreed to submit an after final amendment under the AFCP 2.0.

Accordingly, in the interest of compact prosecution, and without prejudice to our disclaimer of the previously claimed subject matter (which Applicant reserves the right to pursue in this or a related application), Applicant has amended Claim 21.

In view of the above, Applicant believes that claims 21-26 and 28-40 are in condition for allowance. If the Examiner has any questions or believes an interview would expedite prosecution of this case, please contact the undersigned.

Respectfully Submitted,

/Justin J. Lesko/

Justin J. Lesko

Reg. No. 69,643

Dated: December 11, 2017

Law Offices of Steven G. Lisa, Ltd.
55 East Monroe Street Suite 3800
Chicago, IL 60603
Telephone: (773) 484-3285

Attorney for Applicant